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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,323	04/26/2001	Kai Zeh	723-1069	5657

7590 07/06/2004

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Arlington, VA 22201

EXAMINER

BURGE, LONDRA C

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/842,323	ZEH, KAI	
	Examiner	Art Unit	
	Londra C Burge	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2178

DETAILED ACTION

1. This action is responsive to communications: Original application filed 4/26/2001 and IDS filed 7/9/2001
2. Claims 1-16 are pending. Claims 1, 7 and 12 are independent claims.

Claim Rejections - 35 USC § 103

3. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-2, 7, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawaguchi U.S. Patent No. 5,961,386 filed 12/11/1996 provided by the applicant in view of. Millman et al. (herein after Millman) U.S. Patent No. 5,619,635 files 11/7/1995 provided by the applicant.**

In regard to independent claim 1, Sawaguchi discloses *a system for providing video game specification data* (Sawaguchi Abstract Lines 1-5 i.e. computer game with specific characteristic data for each game), *comprising; a display* (Sawaguchi Abstract Lines 10-11 i.e. displayed all on display units);

Sawaguchi does not specifically mention *a control circuit for causing said display to display an interactive form containing data entry fields for inputting ... specification data that specifies characteristics of a video game developed for a particular game platform..* However, Millman mentions complex forms on an interactive basis wherein the user selectively enters

Art Unit: 2178

form constraint information.... Selected inputs are thereafter presented on a display providing the designer with immediate feedback on the appearance of the selection (Millman Col 2 Lines 37-43). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Millman to Sawaguchi, providing Sawaguchi the benefit of using forms to input specific information the user would like to see for the video game so each user can ensure that the settings they choose are the correct settings for their particular computer.

In regard to dependent claim 2, Sawaguchi discloses *wherein one or more of the data entry fields have data validation rules associated therewith*. (Sawaguchi Col 4 Lines 40-41 i.e. data is confirmed and Fig 4 step 403)

In regard to independent claim 7, Sawaguchi discloses *displaying on a display* (Sawaguchi Abstract Lines 10-11 i.e. displayed all on display units); *and validating the data entered into the data entry fields*. (Sawaguchi Col 4 Lines 40-41 i.e. data is confirmed and Fig 4 step 403)

Sawaguchi does not specifically mention *an interactive form containing data entry fields for inputting ... specification data that specifies characteristics ... developed for a particular ... platform; and entering ... specification data into the data entry fields*. However, Millman mentions complex forms on an interactive basis wherein the user selectively enters form constraint information.... Selected inputs are thereafter presented on a display providing the designer with immediate feedback on the appearance of the selection (Millman Col 2 Lines 37-43). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Millman to Sawaguchi, providing Sawaguchi the benefit of using forms to input specific

Art Unit: 2178

information the user would like to see for the video game so each user can ensure that the settings they choose are the correct settings for their particular computer.

In regard to independent claim 12, Sawaguchi discloses *a communication circuitry for receiving video games and video game specification data submitted thereto over a communications network* (Sawaguchi Abstract Lines 9-16 i.e. players able to play at the same time on the network); *a memory for storing routing information* (Sawaguchi Col 2 Lines 2-4 i.e. memory means for storing); *and processing circuitry for routing data regarding submitted video games and video game specification data in accordance with the routing data.* (Sawaguchi Col 2 Lines 2-6 i.e. CPU for processing the computer game)

In regard to dependent claim 16, Sawaguchi discloses *wherein the data regarding submitted video games and video game specification data comprises the submitted video games and/or the video game specification data.* (Sawaguchi Abstract Lines 1-5 i.e. computer game with specific characteristic data for each game)

5. **Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawaguchi provided by the applicant in view of. Millman et al. (herein after Millman) provided by the applicant as applied to claims 1 and 7 and in further view of Brown U.S. Patent No. 6,671,768 B1 filed 11/1/1999.**

In regard to dependent claim 3, Sawaguchi discloses *a video game* (Sawaguchi Abstract Lines 1-5 i.e. computer game)

Sawaguchi does not specifically mention *a procedure that is executable to generate a CRC from a ROM image* of the video game. However, Brown mentions ROM images (Brown

Art Unit: 2178

Col 10 Lines 45-65) , which generates CRCs (Brown Col 1 Lines 50-60). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Brown to Sawaguchi, providing Sawaguchi the benefit of having ROM images that generate CRCs to recomputed the checksum based upon the received data and compares this value with the one sent with the data.

In regard to dependent claim 8, claim 8 provides similar subject mentioned in claim 3 and is rejected along the same rationale.

6. **Claims 4-6 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawaguchi provided by the applicant in view of. Millman et al. (herein after Millman) provided by the applicant as applied to claims 1 and 7, in view of Brown U.S. Patent No. 6,671,768 B1 filed 11/1/1999. in further view of Shaklee U.S. Patent No. 5,841,952 filed 4/29/1996.**

In regard to dependent claim 4, Sawaguchi does not specifically mention *a ROM image* of the video game. However, Brown mentions ROM images (Brown Col 10 Lines 45-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Brown to Sawaguchi, providing Sawaguchi the benefit of having ROM images that are constructed from entries made to the database which will allow the user to store the images in a memory for future use.

Sawaguchi does not specifically mention a procedure that is executable to *split* a ROM image of the video game. However, Shaklee mentions separated images (Shaklee Col 3 Lines 20-35 and Col 7 Lines 20-23). It would have been obvious to one of ordinary skill in the art at

Art Unit: 2178

the time of the invention to apply Shaklee to Sawaguchi, providing Sawaguchi the benefit of separate the ROM image as one of many options of adjusting the images as it is necessary to split the file to a size that can be accommodated on floppy disks.

In regard to dependent claim 5, Sawaguchi does not specifically mention *a ROM image* of the video game. However, Brown mentions ROM images (Brown Col 10 Lines 45-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Brown to Sawaguchi, providing Sawaguchi the benefit of having ROM images that are constructed from entries made to the database which will allow the user to store the images in a memory for future use.

Sawaguchi does not specifically mention a procedure that is executable to *merge* a file with a ROM image of the video game. However, Shaklee mentions circuits to merge image segments (Shaklee Col 3 Lines 47-49). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Shaklee to Sawaguchi, providing Sawaguchi the benefit of choosing a ROM image to split or one file from a split file set to *merge* back to an image via a drive selection.

In regard to dependent claim 6, Sawaguchi does not specifically mention *a ROM image* of the video game. However, Brown mentions ROM images (Brown Col 10 Lines 45-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Brown to Sawaguchi, providing Sawaguchi the benefit of having ROM images that are constructed from entries made to the database which will allow the user to store the images in a memory for future use.

Art Unit: 2178

Sawaguchi does not specifically mention a procedure that is executable to *adjust the size* of a ROM image of the video game. However, Shaklee mentions placing a single image onto a medium and the size or location of segments of the image are adjusted as the image is transferred from the display device to the medium (Shaklee Col 8 lines 24-27) . It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Brown to Sawaguchi, providing Sawaguchi the benefit of adjusting the size of the image for such options as fitting in the floppy disk.

In regard to dependent claim 9, claim 9 provides similar subject mentioned in claim 4 and is rejected along the same rationale.

In regard to dependent claim 10, claim 10 provides similar subject mentioned in claim 5 and is rejected along the same rationale.

In regard to dependent claim 11, claim 11 provides similar subject mentioned in claim 6 and is rejected along the same rationale.

7. **Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawaguchi provided by the applicant as applied to claim 12 in view of Millman et al. (herein after Millman) provided by the applicant as applied to claim 12 in view of Crump et al (herein after Crump) U.S. Patent No. 5,791,992 filed 7/31/1996.**

In regard to dependent claim 13, Sawaguchi does not disclose wherein the communications network is the Internet. However, Crump mentions video games that are played on the Internet (Crump Abstract Lines 1-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Crump to Sawaguchi, providing Sawaguchi the

Art Unit: 2178

benefit of allowing the users the play the video games on the internet allowing the user to transfer information from the game to other users or players of the game.

In regard to dependent claim 14, Sawaguchi does not disclose wherein the memory further stores status data regarding the status of submitted of video games and video game specification data, the status information being accessible to remote computer terminals. However, Crump mentions Status bits sent to processors to indicate the condition of data (Crump Col 4 Lines 38-43). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Crump to Sawaguchi, providing Sawaguchi the benefit of allowing user to get the status of the game reviewing and testing to the game submitter.

8. **Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sawaguchi provided by the applicant as applied to claim 12 in view of Millman et al. (herein after Millman) provided by the applicant as applied to claim 12 in view of Kohari et al (herein after Kohari) U.S. Patent No. 5,291,405 filed 10/10/1990 provided by the applicant.**

In regard to dependent claim 15, Sawaguchi does not disclose wherein the data regarding submitted video games and video game specification data comprises a notification of receipt of the submitted video game and video game specification data. However, Kohari mention notification being given to personnel regarding changes to a document (Kohari Col 10 Lines 42-62). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Kohari to Sawaguchi, providing Sawaguchi the benefit of notifying the user of the status of changes to the specifications of the video game.

Conclusion

9. **The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.**


Smith et al.	U.S. Patent No. 5,923,306	issued	7/13/1999
McCarten et al.	U.S. Patent No. 5,959,596	issued	9/28/1999
Weinberger	U.S. Patent No. 6,499,027 B1	issued	12/24/2002

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Londra C Burge whose telephone number is 703-305-8784. The examiner can normally be reached on 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Londra C Burge
6/16/04


STEPHEN S. HONG
PRIMARY EXAMINER